

## **REMARKS**

### **A. Restriction Requirement**

The present application was subjected to a restriction requirement under 35 U.S.C. 121. Applicant hereby confirms the provisional election without traverse made by the attorney of record as set forth in the office action. Applicant has canceled the claims directed to the non-elected invention without prejudice or disclaimer for prosecution in a divisional application.

### **B. Outstanding Action**

Claims 1-5, 10-11 and 19 were rejected under 35 U.S.C. 102(b) or 35 U.S.C. 103 as stated in the outstanding office action.

Claims 6, 18, 20-40, 48 and 50 have been withdrawn from consideration as being directed to a non-elected species.

Claims 7-9 and 12-17 were indicated to contain allowable subject matter.

Claims 41-47 were allowed.

### **C. Status Of Claims**

Claims 1-50 were pending in the application prior to the instant Amendment.

Claims 6, 18, 20-40, 48 and 50 have been canceled without prejudice or disclaimer.

Claims 1-5, 9-17, 19, 41-47 and 49 are now pending.

D. Claims 1-9

Dependent claim 7-9 were indicated to contain allowable subject matter but were objected to as being dependent upon a rejected base claim. Claim 1 has been amended to incorporate the substance of dependent claim 7. Applicants submit that claims 1-5 and 8-9 are now in condition for allowance.

E. Claim 10

Claims 10 was rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3, 933,283 to Hoagland. Claim 10 has been amended to more particularly point out and distinctly claim the subject matter of the invention. More specifically, claim 10 has been amended to recite a lock for an aerosol dispensing device comprising an aerosol container for containing an aerosol product and an aerosol propellant therein with the aerosol container having a container neck. An aerosol valve is mounted to the aerosol container. A key aperture is defined by the container neck of the aerosol container. An actuator displaces the aerosol valve from a biased closed position to an open position to discharge the aerosol product. A key is defined by the actuator. The actuator is rotatable into a first rotational position relative to the aerosol container whereat the key is aligned with the key aperture for enabling movement of the actuator to open the aerosol valve for discharging the aerosol product. The actuator is rotatable into a second rotational position relative to the aerosol container whereat the key is misaligned with the key aperture for inhibiting the actuator from opening the aerosol valve.

The cited prior art fails to disclose, teach or suggest an aerosol dispensing device having a key aperture defined by the container neck of the aerosol container cooperating with a key defined by the actuator for discharging the aerosol product and for inhibiting the discharge of the aerosol product as set forth in claim 10.

F. Rejected claim 11

Claims 11 was rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3, 933,283 to Hoagland. Claim 11 has been amended to more particularly point out and distinctly claim the subject matter of the invention. More specifically, claim 11 has been amended to recite a lock for an aerosol dispensing device comprising an aerosol container for containing an aerosol product and an aerosol propellant therein. The aerosol container comprises a container neck. An aerosol valve mounted to the aerosol container. An aerosol cap is rotatably secured to the aerosol container. An actuator movably is mounted relative to the aerosol cap for displacing the aerosol valve from a biased closed position to an open position to discharge the aerosol product. A key aperture is defined by one of the container neck of the aerosol container and the aerosol cap. A key is defined by the other of the container neck of the aerosol container and the aerosol cap. The actuator is rotatable into a first rotational position relative to the aerosol container whereat the key is aligned with the key aperture for enabling movement of the actuator to open the aerosol valve for discharging the aerosol product. The actuator is rotatable into a second rotational position relative to the aerosol container whereat the key is misaligned with the key aperture for inhibiting the actuator from opening the aerosol valve.

The cited prior art fails to disclose, teach or suggest an aerosol dispensing device having a key aperture defined by the container neck of the aerosol container cooperating with a key defined by the actuator for discharging the aerosol product and for inhibiting the discharge of the aerosol product as set forth in claim 11.

G. Dependent claim 12-17

Dependent claims 12-17 were indicated to be allowable but were objected to as being dependent upon a rejected base claim. Claim 12 has been amended to be in independent form.

Claims 13 and 14 have been amended to be dependent upon amended claim 12.

Claim 15 has been amended to be in independent form .

Claims 16, 17 and 19 have been amended to be dependent upon amended claim 15.

H. Claim 41-47 and 49

Claims 41-47 and 49 were allowed. Claim 41 has been mended to more particularly point out and distinctly claim the subject matter of the invention. Claims 42-47 and 49 are are dependent upon independent claim 41 and should be allowable

I. Precautionary Request for an Extension of Time

In the event the present filing is not timely filed, applicant request an Extension of Time for an appropriate period of time. Please charge Deposit Account No. 06-2120 for the fees for any Extension of Time.


J. Additional Fees

Please charge Deposit Account No. 06-2120 for the fees for any additional claims, an Extension of Time, Citation of Prior Art, Petitions, Terminal Disclaimers or any other fee arising out of this correspondence.

Applicant verily believes that all claims are now in condition for allowance and favorable action is respectfully requested. The undersigned attorney of record cordially invites any telephonic communications from the examiner that may assist the examiner in the examination and to expedite the allowance and issuance of Letters Patent on the subject invention.

Respectfully submitted,

FRIJOUF, RUST & PYLE, P.A.



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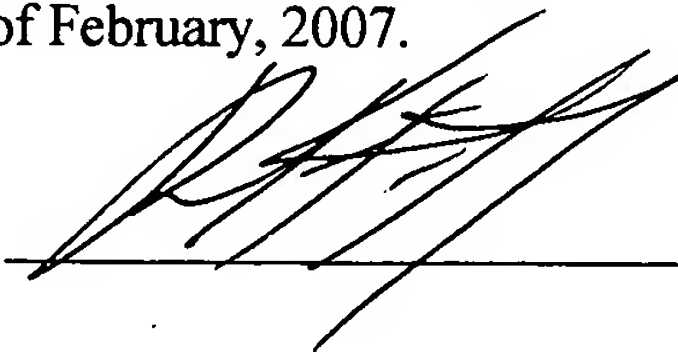
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